

MINUTES OF THE REGULAR COUNCIL MEETING

September 9, 2020

The meeting was called to order by Mayor Pooler at 6:00 p.m.

A roll call of the Council resulted as follows:

Sid Armstrong
Ron Mercado
Terry Douglas
Dennis Norris
Ron Delcamp
Anna Moody

Officers present were:

Mayor Mac Pooler
City Clerk /Treasurer Nila Jurkovich
By telephone:
Building Official Mark Magnus
Chief of Police David Wuolle
Superintendent of Public Works Craig Lewis
Project Manager Rod Plank
Planning Consultant Collin Coles.

Also present was Andy Helkey to provide the Council with an update

No others announced themselves by telephone.

Councilmember Delcamp led the Pledge of Allegiance.

ORAL COMMUNICATIONS

None.

HEARING

It was moved by Councilmember Douglas and seconded by Councilmember Norris to enter into the public hearing at 6:02 p.m. Motion carried.

Mayor Pooler stated that this is the time to take public comment on the proposed budget amendment for fiscal year 2019-2020. The notices of hearings were published in the Shoshone News Press on September 1st and 8th.

Council President Douglas advised those present this amendment to the current budget will provide an additional \$45,075 to the current fiscal budget.

There were no comments from the public wishing to speak on behalf of the new budget for the upcoming fiscal year.

The Council had no questions on the proposed budget.

It was moved by Councilmember Delcamp and seconded by Councilmember Mercado to close the hearing and reconvene to the regular meeting at 6:04 p.m. Motion carried.

REPORTS FROM STAFF

Reports had been previously submitted and there were no questions from the Council.

Council President Douglas asked that each department take care as many issues as they can as the front office is short-handed and asked everyone to please bare with us during this time.

CONSENT CALENDAR

1. Approval or correction of the minutes of the August 12, 2020 regular council meeting.
2. Approval of payment of the bills for the month of August 2020 as presented. (Proving documents on file in the City Clerk's office)
3. Treasurer's Reports of Income & Expenditure.
4. P&Z Commission minutes from the August 17, 2020 Meeting.
No Recommendations.
5. Reports of Commissions and Committees. None.

It was moved by Councilmember Armstrong and seconded by Councilmember Moody to approve the Consent Calendar as submitted. Motion carried.

OLD BUSINESS

Mr. Ben Davis, Alta Science & Engineering provided a written update on the first three items and Mr. Derek Forseth, Alta Science & Engineering is on the telephone if there are questions from the Council.

2020 Paved Road Construction Project Update

The Paved Roads project on Bunker Ave & Wildcat Way is nearing completion. Asphalt was installed on September 2nd and 3rd. Alta anticipates a final pay application and project closeout in September. A final walkthrough will be forthcoming.

Phase 2 & Phase 3 Warranty Work Update- Alta Science & Engineering

Phase 2: Chip sealing was completed on Cameron Ave between Hill St and Price St. A few of the warranty items are still outstanding and we are working with Knife River to finalize. Much of the water-related warranty work has been completed, but not all.

Phase 3: Big Sky has completed their warranty list to the best of our knowledge.

Update on the re-bid of Teeter's Field Concession Stand

Project is ready to be re-bid. Alta and Craig Lewis are working through the details and timeline for the re-bid.

It was moved by Councilmember Delcamp and seconded by Councilmember Douglas to moved forward with the re-bid process and have Public Works Superintendent Craig Lewis advise the Council when he is ready to re-bid project. A roll call vote of the Council resulted as follows:

Councilmember Douglas-Aye
Councilmember Mercado-Aye
Councilmember Armstrong-Aye

Councilmember Moody-Aye
Councilmember Delcamp-Aye
Councilmember Norris-Aye

Motion carried.

Update on Wardner Sewer Inflow Analysis provided to the South Fork Cda River Sewer District.

Alta had no update at this time. Mayor Pooler advised the Council the Agreement has been drawn up and reviewed by the City Attorney and is now in the hands of South Fork CdA River Sewer District. The Agreement will be placed on the October Council Agenda to take action on.

Alta advised the Council they have begun hydraulic modeling work on the Flood Re-Mapping effort and Alta expects to send the first version of the LOMR to FEMA for review at end of September. Recently Alta received the contract from Shoshone County, and all contracts are now in place. Alta will keep the City in the loop as this progresses.

Update on status of COVID-19 and large Activities within the City.

Mr. Andy Helkey updated the Council with the latest information on COVID-19. The event organizers for the half marathon on Saturday, October 3rd have a pro-active plan.

Mayor Pooler asked what Mr. Helkey's recommendation would be for the Council? Mr. Helkey recommended to continue and update the plan as needed.

NEW BUSINESS

Ordinance No 613 Fiscal Year 2019/2020 Budget Amendment

It was moved by Councilmember Douglas and seconded by Councilmember Mercado to have the proposed ordinance read by title only. Motion carried.

The Clerk/Treasurer then read the title of proposed Ordinance #613.

ORDINANCE NO. 613

AN ORDINANCE OF THE CITY OF KELLOGG, IDAHO, AMENDING ORDINANCE NO. 604 THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020: APPROPRIATING ADDITIONAL MONIES THAT HAVE BEEN RECEIVED BY THE CITY OF KELLOGG, IDAHO IN THE SUM OF \$45,075 AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KELLOGG, IDAHO:

Section 1: That Ordinance No 604, the appropriation ordinance for the City of Kellogg, Idaho for the fiscal year October 1, 2019, and ending September 30, 2020 be and the same is hereby amended as follows:

<u>Expenses</u>		<u>Revenues</u>	
Government Gulch Project	35,000	EDA Grant	35,000
Impact Fee Sewer West	10,000	Impact Fee Appropriation	10,000
Library Marketing Grant	75	Library Marking Grant	75

Expenditures of the monies will be in accordance with the provisions to be used for authorized activities.

Section 2: This ordinance shall be in full force and effect from and after its passage, approval and publication.

ENACTED by the City Council as an Ordinance of the City of Kellogg on the 9th day of September, 2020.

PASSED under suspension of the rules upon which a roll call vote was duly taken and enacted as an Ordinance of the City of Kellogg at a regular meeting of the City Council held on the 9th day of September, 2020.

APPROVED by the Mayor on the 9th day of September, 2020.

CITY OF KELLOGG

ATTEST:

Mac Pooler, Mayor

Nila Jurkovich, Municipal Clerk/Treasurer

It was moved by Councilmember Delcamp and seconded by Councilmember Armstrong to pass Ordinance #613 under suspension of the rules. A roll call vote of the Council resulted as follows:

Councilmember Armstrong-Aye
Councilmember Moody-Aye
Councilmember Mercado-Aye

Councilmember Norris-Aye
Councilmember Douglas-Aye
Councilmember Delcamp-Aye

Motion carried.

It was moved by Councilmember Delcamp and seconded by Councilmember Mercado to publish Ordinance #613 by Summary prepared by City's Counsel.

Motion carried.

Resolution 2020-06 Renewal - Require Face Coverings In Public Places

Mayor Pooler asked the City Clerk/Treasurer read proposed resolution by title only.

Mayor Pooler asked for Council comments:

Councilmember Delcamp

The ordinance is on the City's books with the first resolution has already expired.

Councilmember Armstrong

A number of people on this Council voted in favor for the last resolution. I support that decision as a member of the Council. I received a lot of feedback with a substantial amount of positive comments on the passing of the last resolution. Not wearing a mask can cause a problem. Skeptical on the influence the resolution will have, however face masks help and I am good with passing another thirty-day resolution.

Councilmember Mercado

I was not in favor of the ordinance and supported the resolution. I support the Council. I feel wearing masks is a personal choice, I personally work with several young adults who do not like the idea of wearing masks.

Councilmember Moody

I wear the mask to protect others. This has impacted a lot of people. Seventeen people is a lot of deaths. We want to protect our citizens. We need to educate those and provide them with an understanding. As a scientist, I follow the factual information that is being provided to us. The ordinance was a legal matter that needed to be in place prior to the resolution being passed. It sets the pathway in case the City needs it. I received a lot of direct calls thanking the Council for doing this.

Councilmember Norris

We need to use this as a learning tool, if it helps save one life it has done its job. I too have discussed this with numerous people, 99% of those discussions were positive comments towards the decision of the Council. It will not change everyone's opinion. We need to show good faith, it can't hurt to continue. I wish the best of health to each of you.

Councilmember Douglas

To date, there has been over 900,000 deaths globally, with 190,000 in the United States. The Panhandle Health District representative has been to each Council meeting since the pandemic giving his opinion to the Council each month. I have been asked why doesn't Panhandle Health District Board mandate mask wearing for Shoshone County as they did for Kootenai County. Shoshone County Commissioners need to request to add Shoshone County directly to Panhandle Health District Board. I have had dozens of people approach me since the Council passed the resolution at the end of July. Many of them were elderly thanking the Council for passing the Resolution. I had a conversation with a life-long friend who had the courage to share his disapproval of the decision to pass the Resolution with me. I commended him on giving me his thoughts on the topic, I respect his view and it is okay that we disagree.

Mayor Pooler thanked the Council and reminded the Council we work together and it is okay to disagree. Once a decision is made, we work together and move forward with the decision that was made. I respect your decision, please respect mine.

Resolution No. 2020-06

A RESOLUTION MANDATING THE REQUIREMENT TO WEAR FACE COVERINGS IN PUBLIC PLACES

WHEREAS, on July 29, 2020, the City Council passed and approved Resolution 2020-04 requiring face coverings when members of the public are physically present for otherwise unprotected social interaction; and

WHEREAS, Resolution 2020-04 remained in effect until August 29, 2020; and

WHEREAS, there were 33,981 confirmed cases of COVID-19 in Idaho as of September 8, 2020, and 205 confirmed cases of COVID-19 in Shoshone County as of September 8, 2020, as well as the presence of community spread in Idaho and Shoshone County. It is expected that more cases will be diagnosed; and

WHEREAS, Panhandle Health District ordered a face mask mandate for Kootenai County, Idaho on July 23, 2020; and

WHEREAS, decreased transmissibility due to face covering use could substantially reduce the death toll and economic impact while the cost of the intervention is low; and

WHEREAS, pursuant to Ordinance 611, the City Council does declare and issue a Public Health Emergency Order.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KELLOGG, SHOSHONE COUNTY, IDAHO, having duly met on September 9, 2020, at a City Council Meeting, which was properly noticed and open to the public, and having fully considered the matter at hand, that:

SECTION 1. FACE COVERINGS

Every person, shall, when in any indoor or outdoor public place, completely cover their nose and mouth, when members of the public are physically present for otherwise unprotected social interaction.

1. DEFINITIONS: For purposes of this Public Health Emergency Order “public place” shall mean any place open to all members of public without specific invitation, including but not necessarily limited to, retail business establishments, government offices, medical, educational, arts and recreational institutions, public transportation, including taxi cabs and ridesharing vehicles. “Members of the public” shall mean persons not therein employed, present without invitation.
2. EXEMPTIONS:
 - a. Children under the age of 5.
 - b. Persons who cannot medically tolerate wearing a face covering. A person is not required to provide documentation demonstrating that the person cannot medically tolerate wearing a face covering.
 - c. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
 - d. Persons, including on-duty law-enforcement officers, for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
 - e. Persons who are obtaining a service involving the nose, face, or head for which temporary removal of the face covering is necessary to perform the service.
 - f. Persons who are eating or drinking at a restaurant or other establishment that offers food or beverage service, so long as the person is able to maintain a distance of 6 feet away from persons who are not members of the same household or party as the person.
 - g. Outdoor public places where a person can employ social distancing as recommended by Panhandle Health District and CDC where the person is able to maintain a distance of 6 feet away from persons who are not members of the same household or party as the person.

- h. Persons who are engaged in indoor exercise, so long as they engage in social distancing.

SECTION 2. PENALTIES

Any person who violates any provisions of this Order, shall be guilty of an infraction, punishable by a fine of \$100.

SECTION 3. EFFECTIVE DATE AND SUNSET DATE

This Emergency Order shall take effect at 12:00 a.m., on September 14, 2020 and shall remain in effect until October 14, 2020 unless extended by the City Council.

PASSED and approved by the City Council of the City of Kellogg this 9th day of September 2020.

APPROVED:

Mac Pooler, Mayor

ATTEST:

Nila Jurkovich,
City Clerk/Treasurer

It was moved by Councilmember Douglas and seconded by Councilmember Moody to approve Resolution 2020-06 as submitted. A roll call vote of the Council resulted as follows:

Councilmember Armstrong-Aye
Councilmember Moody-Aye
Councilmember Mercado-Aye

Councilmember Norris-Aye
Councilmember Douglas-Aye
Councilmember Delcamp-Nay

Motion carried.

Resolution 2020-07 Purchase John-Deere Tractor & Trade In of a John-Deere Tractor

The City Clerk/Treasurer read the proposed resolution by title.

RESOLUTION #2020-07

A RESOLUTION OF THE CITY OF KELLOGG, SHOSHONE COUNTY, STATE OF IDAHO, APPROVING AND AUTHORIZING THE CITY TO PURCHASE A 2032R JOHN DEERE TRACTOR, WITH ATTACHMENTS TO BE USED BY THE CITY IN THE AMOUNT OF \$29,000, AFTER THE TRADE-IN OF A 755 JOHN DEERE TRACTOR WITH ATTACHMENTS

CITY OF KELLOGG
Shoshone County, Idaho

WHEREAS, the City is in need of a tractor with attachments to be used at the Greenwood Cemetery;

WHEREAS, Council approved the trade-in of the 755 John Deere Tractor with attachments for a trade-in amount of \$5,500 for a new John Deere Tractor with attachments for net amount of \$29,000;

WHEREAS, Ragen Equipment can provide the above-referenced 2032R John Deere Tractor with attachments by utilizing the State Bid discount in the amount of \$8,518 and utilizing the trade-in for a net purchase of \$29,000; and

WHEREAS, the City has sufficient funds to purchase said 2032R John Deere Tractor with attachments.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and the City Council of the City of Kellogg, Idaho, authorizes trade-in of the 755 John Deere Tractor and has the

funds to purchase the 2032R John Deere Tractor with attachments for the net amount of \$29,000 and tractor will be utilized by the City of Kellogg Greenwood Cemetery.

BE IT FURTHER RESOLVED, this Resolution shall take effect and be in force from and after its passage and approval.

DATED this 9th day of September, 2020.

ATTEST:

Mac Pooler, Mayor

Nila Jurkovich, Clerk/Treasurer

It was moved by Councilmember Douglas and seconded by Councilmember Norris to approve Resolution 2020-07 as submitted. A roll call vote of the Council resulted as follows:

Councilmember Armstrong-Aye
Councilmember Moody-Aye
Councilmember Mercado-Aye

Councilmember Norris-Aye
Councilmember Douglas-Aye
Councilmember Delcamp-Aye

Motion carried.

ANNOUNCEMENTS & REPORTS

Councilmember Douglas

Coming to the end of the fiscal year and preparing for the auditors visit. The November Council meeting lands on Veteran's Day which is a holiday. The Council meeting will still be held on that day, Wednesday, November 11th.

Councilmember Moody

The library's reading program was very successful. A breakdown of the program was provided to the Council.

Mayor Pooler

With North Idaho College leaving their Silver Valley location, we can discuss the possibilities of enhancing the library facility in the future.

There being no further business to come before the Council at this time, it was adjourned at 6:38 P.M. to meet at its regular time of October 14, 2020.

Mac Pooler, Mayor

ATTEST:

Nila Jurkovich, Municipal Clerk/Treasurer

